

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KENYATTA HARDIN,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 2:19-cv-02556-SHL-atc
CITY OF MEMPHIS DIVISION OF FIRE)	
SERVICES,)	
)	
Defendant.)	
)	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING DEFENDANT'S PARTIAL MOTION TO DISMISS**

Before the Court is Magistrate Judge Annie T. Christoff's ("Magistrate Judge") Report and Recommendation ("Report") (ECF No. 42), filed June 1, 2022, recommending that the Court grant Defendant City of Memphis Division of Fire Services' Partial Motion to Dismiss, filed December 22, 2021. (ECF No. 33.)

On August 20, 2019, Plaintiff Kenyatta Hardin filed this pro se action, alleging that Defendant discriminated against him based on his race and disability in violation of both Title VII and the Civil Rights Act of 1964. (ECF No. 1.) Defendant moves to dismiss Hardin's disability discrimination claim, arguing that it is barred because he failed to exhaust administrative remedies. The Magistrate Judge agrees with Defendant, finding that Plaintiff's Charge of Discrimination form submitted to the EEOC "never alludes to any disability" and that such a failure demonstrates that he has not exhausted the requisite remedies to bring this claim to federal court. (ECF No. 42 at PageID 176.)

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal. 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served

with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Here, Plaintiff did not respond to Defendant’s Motion, even after the Magistrate Judge provided him additional time to do so, (See ECF No. 42 at PageID 171), and he has raised no objections to the Magistrate Judge’s proposed findings or legal conclusions. Thus, reviewing the Report for clear error and finding none, the Court **ADOPTS** the Report and **GRANTS** Defendant’s Partial Motion to Dismiss.

IT IS SO ORDERED, this 22nd day of June, 2022.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE